



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 28, 2023

VIA ECF

Hon. Analisa Torres
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Yanping Wang, a/k/a "Yvette,"* S1 23 Cr. 118 (AT)

Dear Judge Torres:

The Government writes further to its letter dated July 24, 2023 (Dkt. 114), and to request the Court order the briefing schedule proposed below for a motion to disqualify Emil Bove as counsel to Yanping Wang.

By way of background, on July 22, 2023, Emil Bove filed a notice of appearance in this matter indicating that Bove intended to represent Wang. The same day, Bove filed a motion seeking to replace Priya Chaudhry as Wang's lead counsel, while Alex Lipman would remain as additional counsel to Wang. (Dkt. 113-1.) The Government next requested that the Court stay consideration of Bove's motion to substitute so that Bove and the Government could discuss potential conflict issues.

Those conflict issues relate to Bove's role as a supervisor of the National Security and International Narcotics Unit in the United States Attorney's Office for the Southern District of New York ("NSIN") from approximately September 2019 through approximately January 2022. While Bove was supervisor, that unit investigated Wang's co-defendant, Ho Wan Kwok. After Bove filed his notice of appearance, the Government advised Bove that it believes his proposed representation of Wang in this matter implicates the conflict-of-interest provisions of applicable rules of professional conduct. Specifically, former government attorneys "shall not represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee." New York Rule of Professional Conduct 1.11(a)(2). These provisions, and others, were discussed with Bove who respectfully disagrees with the Government's interpretation of them, necessitating this Court's intervention.

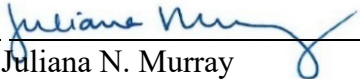
The Government and Bove have conferred, and jointly propose the following briefing schedule for the Court's consideration:

Government's motion:	August 4, 2023
Bove's response:	August 7, 2023
Government's reply:	August 9, 2023

The Government is available to address any questions the Court may have.

Respectfully submitted,

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Cc: All Counsel of Record (by ECF)